

**OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management**

MEMORANDUM OM 95-76

September 26, 1995

TO : All Regional Directors, Officers-in-Charge
and Resident Officers

FROM : B. Allan Benson, Acting Associate General Counsel

SUBJECT: Contingency Operations During a Shutdown and
Communications with the Public

The September 22, 1995 memorandum of Director of Administration Gloria Joseph described, in brief, the Agency's plans for managing a shutdown in operations due to a lapse in appropriations. The contingency planning for management of the unfair labor practice trial calendar was announced in Memorandum OM 95-74, "Unfair Labor Practice Hearings Scheduled for October," dated September 22, 1995. In addition, a notice will be published in the Federal Register to alert the public to our shutdown plans. Should funding for the Agency actually lapse, an official shutdown notice will be transmitted to all Agency offices. Agency shutdown plans include provision for the continued employment of a limited number of "emergency" employees in a limited number of field offices to respond to true emergencies involving the imminent threat to human life or the protection of property.

This memorandum is to communicate instructions for the orderly shutdown of Agency business, transmit official notices, in English and Spanish, to be posted on the outside doors of all Agency offices to alert visitors of the shutdown in operations and provide a script for a telephone message, also in English and Spanish, to be recorded on a telephone answering machine or voice-mail device attached to the main office numbers (see attachments).

Upon notification of an appropriation hiatus, Agency employees will be advised to report to work to begin an immediate and orderly shutdown of Agency activities. The process of communicating the shutdown order, securing files and physical facilities, notifying parties of the cancellation of hearings, canceling court appearances and meetings will take approximately one-half workday. After completion of shutdown activities, employees who have not been designated "emergency" employees will be furloughed.

Prior to their furlough employees should complete Agency business previously scheduled for October 2 and which would cause serious disruption to

the public if canceled without notice. Such business includes representation elections, trials, hearings and appearances in Federal court. Those employees will be authorized to complete such Agency business and return home by close of business on October 2, to assure that those essential services are performed.

Those employees designated "emergency" employees will be present to field emergency calls during a hiatus. If experience demonstrates that fewer "emergency" employees than necessary have been designated, then the emergency staff will be increased. In the event of a true emergency (e.g., uncontrolled violent strike activity), the General Counsel may decide what additional, if any, Agency personnel are called back to duty.

Orderly Closedown Activities.

- A. All materials of a confidential nature will be identified and secured.
- B. Incomplete projects will be listed, with priorities for the orderly resumption of activities upon the return to work.
- C. Emergency situations (e.g., current or imminent labor disputes which present an imminent threat to the safety of human life or the protection of property) requiring immediate attention, will be identified and brought to the attention of the appropriate management official.
- D. Telephone contacts will be made whenever required to advise parties in active cases, court personnel, contractors, and other members of the public of the Agency shutdown, and appropriate arrangements will be made for each situation. Incomplete contacts will be identified for follow-up by personnel remaining to conclude the orderly shutdown. Except for trials (see Memorandum OM 95-74), scheduled activities through October should be canceled on a week-to-week basis. That is, parties should be advised on October 2 that activities scheduled for the period October 3-6 are canceled as advised on October 2; that activities scheduled for the week of October 9 are canceled if there is no funding as of Friday, October 6; etc. Telephone messages will be recorded at all office locations throughout the NLRB indicating to the public that the Agency is in a "temporary" shutdown mode.
- E. No obligations may be incurred unless strictly required to effect the shutdown or for protection of life and property. Although these obligations may be incurred, no funds may be disbursed.
- F. Equipment will be secured to the maximum extent possible.

- G. Supervisors will secure files and ensure all computer data will be backed up and computers turned off.
- H. Regions will establish a pyramid telephone communication system to be used by management and employees to disseminate information as needed, including the return to work. The system will include home (or alternate) telephone numbers.
- I. Local GSA Building Managers will be notified of the shutdown so that GSA may take appropriate action to secure facilities and discontinue all services.

One manager or supervisor in each of eight field offices has been designated as "emergency" staff. Those individuals will staff phones in their offices to handle telephone calls from members of the public who wish to report what they believe to be true emergencies involving the imminent threat to human life or the protection of property. In the event "emergency" employees believe a caller presents a situation where the Agency's intervention is necessary to prevent an imminent threat to human life or the protection of property, the immediate Office of the General Counsel should be called. While other personnel are not required to be on standby status, each Region should submit to their AGC the home phone numbers for each of their managers and supervisors, as it may be necessary to contact Regional management in order to call in emergency personnel.

The chart below lists the offices that will be staffed by one professional to respond to what we hope will be a limited number of calls. The chart also contains the addresses of those offices, phone numbers at which "emergency" employees may be reached and a list of the Regions those offices will serve:

Region	Address	Phone No.	FAX No.	Referring Regions
1-Boston	10 Causeway St -6th Fl Boston, MA 02222-1072	617-565-6748	617-565-6725	3, 6, 34
2-Manhattan	26 Federal Plaza-Rm 3614 New York, NY 10278-0104	212-264-0330	212-264-8427	4, 22, 29
7-Detroit	477 Michigan Ave-Rm 300 Detroit, MI 48226-2569	313-226-3210	313-226-2090	8, 9, 25
10-Atlanta	101 Marietta St NW Atlanta, GA 30323-3301	404-331-2861	404-331-2858	5, 11, 12, 26

Region	Address	Phone No.	FAX No.	Referring Regions
13-Chicago	200 West Adams St Chicago, IL 60606-5208	312-353-7608	312-886-1341	30, 33, 18
17-Kansas City	8600 Farley St-Suite 100 Overland Park, KS 66212-4677	913-236-3001	913-236-3010	14, 16, 15
19-Seattle	915 2nd Ave - Rm 2948 Seattle, WA 98174-1078	206-220-6310	206-220-6305	20, 32, 27
21-Los Angeles	888 S. Figueroa St-9th FL Los Angeles, CA 90017-5455	213-894-5184	213-894-2778	31, 28, 24

You should insert the information appropriate for your Region in the English language notice attached and in the English language telephone message that callers to your office will hear. All Spanish language notices and telephone messages will direct individuals to contact the Los Angeles, Region 21 Regional Office.

Since the only authorization for employees to work on Monday, October 2, would be for shutdown or emergency activities, Regional personnel should not process new matters, including mail and walk-in business. The referenced notice should be posted on the office door at the beginning of the day on October 2 and the recorded message should be activated by midday. We are in the process of ensuring that each office has either an answering machine or voice mail capability for the main office number. Arrangements should be made with your local post office as to the handling of mail during the hiatus.

Telephone messages at the main numbers of the Regions noted above in which "emergency" employees will be on duty will direct callers who believe they have true emergencies to the telephone number listed above for the "emergency" employee in that office.

If you have any question concerning this memorandum please contact me or your Assistant General Counsel.

B. A. B

Attachments

cc: NLRBU



**THIS OFFICE OF
THE NATIONAL LABOR RELATIONS BOARD
IS CLOSED DUE TO THE LACK OF A BUDGET
APPROPRIATION.**

Due to the lack of appropriated funds this office of the National Labor Relations Board is temporarily closed. This office will reopen when sufficient funding has been authorized by law. Only such Government activities necessary to prevent an imminent threat to the safety of human life or the protection of property may be undertaken in the absence of specific budget authority. If there is an imminent threat to the safety of human life or the protection of property as a result of a violation of the National Labor Relations Act, you should contact the

_____ Regional Office, _____,
at telephone number () _____, FAX Number () _____, for
assistance. If the safety of human life or the protection of property
is not subject to an imminent threat, you will have to wait until the
Office resumes normal operations to be served.

Timeliness of Charges, Petitions and other papers:

Pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. 160(b), complaint cannot issue on a charge alleging an unfair labor practice violation unless the charge is filed and served within 6 months of the occurrence complained of. The operation of Section 10(b) during an interruption in Agency services as a result of a lack of funds is uncertain. If the 6-month period of Section 10(b) is to expire during the interruption in the Board's normal operations and your charge has not previously been filed and served, you can attempt to comply with Section 10(b) by serving a copy of the charge on the party charged and filing a copy of the charge with an office of the Board in a timely manner. Filing with the Board for this purpose may include service or attempted service upon the regional office named above by certified mail.

During this period, you can attempt to serve petitions for certifications and all other time-sensitive documents by serving a copy on the proper party or parties and filing a copy of the document with an office of the Board in a timely manner. Filing with the Board for this purpose may include service or attempted service upon the regional office named above by certified mail.

**RECORDED TELEPHONE MESSAGE
TO BE PLAYED WHEN AGENCY OFFICES ARE CLOSED
DUE TO LACK OF FUNDING**

"This telephone message will be played first in English and then in Spanish. {Repeat in Spanish}.

You have reached the National Labor Relations Board. This office of the Board is closed due to the lack of appropriated funds. This office will reopen when an appropriations bill is passed by the Congress and signed by the President. Only such Government activities necessary to prevent an imminent threat to the safety of human life or the protection of property may be undertaken in the absence of specific budget authority. If there is an imminent threat to the safety of human life or the protection of property as a result of a violation of the National Labor Relations Act, you should contact the (name) Regional Office, at telephone number () , FAX Number () , for assistance. If the safety of human life or the protection of property is not subject to an imminent threat, you will have to wait until the Office resumes normal operations to be served. Thank you."

{Repeat in Spanish}

ESTA OFICINA DE
LA JUNTA NACIONAL DE RELACIONES DEL TRABAJO
ESTA CERRADA DEBIDO A LA AUSENCIA
DE FONDOS PRESUPUESTARIOS

Esta oficina de la Junta Nacional de Relaciones del Trabajo esta cerrada temporariamente debido a la ausencia de asignacion de fondos presupuestarios. Esta oficina se volvera a abrir cuando suficientes fondos sean autorizados por ley. Solamente esas actividades del gobierno necesarias para prevenir una amenaza inminente a la seguridad de la vida humana o para la proteccion de propiedad podran ser llevadas a cabo en ausencia de autoridad especifica de presupuesto. Si hay una amenaza inminente a la seguridad de la vida humana o a la proteccion de propiedad como resultado de una violacion de la Ley Nacional de Relaciones del Trabajo, Usted debe ponerse en contacto con la Oficina regional de Los Angeles (Region 21), a traves del numero de telefono 213-894-5184, o numero de FAX 213-894-2778, para obtener asistencia. Si la seguridad de la vida humana o la proteccion de propiedad no estan sujetas a una amenaza inminente, Usted tendra que esperar que la Oficina reanude sus operaciones normales para ser atendido.

Tiempo Oportuno para radicar Cargos, Peticiones y Otros Papeles

Conforme a la Seccion 10(b) de la Ley Nacional de Relaciones del Trabajo, 29 U.S.C. 160(b), no se puede expedir una querella alegando una violacion de practica ilicita de trabajo si el cargo fue radicado y notificado oficialmente mas de 6 meses despues de la ocurrencia que motiva la queja. La vigencia de la Seccion 10(b) durante una interrupcion de las operaciones normales de la Agencia debido a la falta de fondos es incierta. Si el periodo de 6 meses de la Seccion 10(b) va a expirar durante la interrupcion de las operaciones normales de la Junta y si su cargo no ha sido radicado y notificado oficialmente, Usted puede intentar cumplir con la Seccion 10(b) notificando a la parte querellada de su cargo con copia del mismo y radicando oportunamente dentro del tiempo designado una copia del cargo en una oficina de la Junta. Para estos fines, la radicacion del cargo con la Junta puede consistir en notificar o intentar notificar del cargo enviando una copia del mismo a la oficina regional nombrada arriba mediante correo certificado.

Durante este periodo de tiempo, Usted puede intentar notificar a las partes interesadas sobre una peticion para certificacion y cualquier otro documento sujeto a un plazo o limite de tiempo con copia del documento y radicando oportunamente dentro del tiempo designado una copia del documento en una oficina de la Junta. Para estos fines, la radicacion con la Junta puede consistir

en notificar o intentar notificar del cargo enviando una copia del mismo a la oficina regional nombrada arriba mediante correo certificado.

**MENSAJE GRABADO PARA EL TELEFONO
QUE DEBERA SER USADO CUANDO LAS OFICINAS
DE LA AGENCIA ESTAN CERRADAS
DEBIDO A LA FALTA DE FONDOS**

“Este mensaje del telefono sera transmitido primero en ingles y despues en espanol. (repita en espanol)

Usted ha llamado a la Junta Nacional de Relaciones del Trabajo. Esta oficina de la Junta esta cerrada debido a la falta de asignacion de fondos presupuestarios. Esta oficina se volvera a abrir cuando el presupuesto sea aprobado por el Congreso y firmado por el Presidente. Solamente esas actividades del gobierno necesarias para prevenir una amenaza inminente a la seguridad de la vida humana o para la proteccion de propiedad podran llevarse a cabo en la ausencia de autoridad especifica de presupuesto. Si hay una amenaza inminente a la seguridad de la vida humana o a la proteccion de propiedad como resultado de una violacion de la Ley Nacional de Relaciones del Trabajo, Usted debe ponerse en contacto con la Oficina regional de Los Angeles (Region 21), a traves del numero de telefono 213-894-5184 o numero de fax 213-894-2778, para obtener asistencia. Si la seguridad de la vida humana o la proteccion de propiedad no estan sujetas a una amenaza inminente, Usted tendra que esperar que la oficina reanude sus operaciones normales para ser atendido. Muchas gracias.”